

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-80553-CIV-CANNON/Reinhart

DONTE DAMES,

Plaintiff,

v.

**WEST PALM BEACH VA MEDICAL CENTER
and UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS,**

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

THIS CAUSE comes before the Court upon Defendants' Motion to Dismiss (the "Motion") [ECF No. 10], filed on August 5, 2022. Pursuant to the Order of Referral [ECF No. 13], the Motion was referred to Magistrate Judge Bruce E. Reinhart for a Report and Recommendation. On September 2, 2022, Judge Reinhart issued a Report recommending that the Motion be granted but that Plaintiff be given an opportunity to amend the Complaint [ECF No. 15]. The Report also instructed the parties to file any objections on or before September 16, 2022 [ECF No. 15 p. 4]. Neither party filed any objections to the Report, and the time to do so has expired.

Upon review, the Court finds the Report to be well-reasoned and correct.


Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 15] is **ACCEPTED**.
2. Defendants' Motion to Dismiss [ECF No. 10] is **GRANTED** as recommended.
3. **On or before November 1, 2022**, Plaintiff shall file an Amended Complaint consistent with the Report [ECF No. 15].

CASE NO. 22-80553-CIV-CANNON/Reinhart

4. Any amended complaint must clearly set forth the allegations supporting each claim for relief; separate each cause of action or claim for relief into a different count; and clearly and specifically identify how the defendant is responsible for the alleged acts or omissions. In sum, the complaint must give the United States adequate notice of each claim against it and the grounds upon which each claim rests. *See Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1321–23(11th Cir. 2015).

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 18th day of October 2022.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record